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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,767	11/20/2001	Teruo Takanashi	1982-0173P	9109

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

DIEP, NHON THANH

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,767

Applicant(s)

TAKANASHI, TERUO

Examiner

Nhon T. Diep

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. Claim 10 is rejected under 35 U.S.C. 101 because 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 10 is rejected under 35 U.S.C. 101 because 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 10, which recites "A recording medium on which is recorded a program for executing a predetermined processing at a computer...". The claim does not recite the codes are recorded on a computer readable medium and therefore, the claim is a computer per se which is directed to non-statutory subject matter.

The examiner suggests changing the preamble of the claim to read: " a computer readable medium stored thereon a program for executing ...".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 5-7, 9-10, 13, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al, cited in the previous Office Action.

As applied to the previous rejections with regard to claims 1-2, 5-7, 9-10, 13 and 16, it is noted that Kondo et al does not particularly disclose newly added limitations of "wherein, when the original medium being moved for which the image is to be registered at the image reading position, moving state of the original medium is judged, and a dynamic image display mode is selected, based on the judged moving state of the original medium, from among, a plurality of dynamic image display modes which are stored in advance, and the dynamic image is displayed on the display section in accordance with the selected dynamic image display mode." as specified in amended claims 1, 9-10 and 18 and as argued by the applicants on page 15, line 3 to page 14, line 20. However, since Kondo et al further teaches "when reading an image, the film scanner first scans an image in a low resolution at high speed, and after the scanned image is displayed by the personal computer (this processing is called "previewing" and the displayed image is called "preview image" hereinafter), an area of the image to be read in a high resolution (main scan area) is designated on the preview image. Then, image data, read in the high resolution, of the image in the designated main scan area is transmitted from the film scanner to the personal computer. "(col. 1, ln. 22-30) and "In turn, in step S2909, the external device 2810 receives the image data and sequentially displays it on its display screen, thereby providing a preview image to a user. The process proceeds to step S2910 where the user sets image read (scanning) conditions while watching the preview image on the display screen. Here, similarly to a case where the previewing was designated in step S2901, various information, such as type of the film, area to be

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read, and resolution to be used, are transmitted to the system controller 2811. Note, in this case, the information for main scanning operation, namely, area to be read designated by the user, and resolution to be used also designated by the user, and so on, are transmitted to the system controller 2811. In turn, the system controller 2811 receives the image read conditions from the external device 2810 and performs the main scanning under the received image read conditions in step S2911 by repeating the processes in steps S2902 to S2908 as described above. Thereafter, image data which is transmitted to the external device 2810 is displayed on its display screen as well as stored in a predetermined storage medium (e.g., hard disk, magneto-optical disk, and floppy disk) in step S2912, thereby the entire operation is completed." (fig. 31 and col. 2, line 29 - col. 3, ln. 29). The examiner respectfully submits that Kondo et al demonstrates that based on the desired resolution, scanner scans films with different speeds, higher speed for low resolution (equivalent to the high speed display mode) and lower speed for higher resolution (equivalent to the highly-detailed display mode) and outputs to the displays for preview and modification of desired resolution. Therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of Kondo et al by either displaying images on the display based on the moving speeds of scanner or setting up the speeds of the scanner based on the desired (resolution) display states as a matter of obvious variance.

5. Claims 3-4, 8, 11-12, 14-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Edgar (US 6,380,539).

As applied to claims 1-2 and 9 above, it is noted that Kondo et al further discloses in fig. 3, each pixel of the first pixel group is arranged in a predetermined interval and each pixel of the second pixel group arranged in a predetermined interval; wherein each pixel of the first pixel group and each pixel of the second pixel group are arranged mutually, however, Kondo et al does not particularly that the pick-up sensor outputs the results of pick-up at a predetermined period, and the high speed display mode is a display mode which displays the results of pick-up as a dynamic image by displaying an image which shows the results of pick-up by using, in data expressing the results of pick-up, only data of one pixel group among a first pixel group and a second pixel group which are determined such that pixels forming each pixel group are substantially uniformly distributed in the region within the pick-up range, and by updating display of the image at the predetermined period, and the highly- detailed display mode is displays the results of pick-up as a dynamic image by displaying the results of pick-up by using both data of the first pixel group and data of the second pixel group, and by alternately updating, at the predetermined period, between display corresponding to the first pixel group and display corresponding to the second pixel group; as specified in claims 3, 11-12; and wherein the plural types of dynamic image display modes include a monochrome display mode which displays the results of pick-up as a monochromatic dynamic image, and a color display mode which displays the results of pick-up as a color dynamic image as specified in claims 4 and 15; wherein when the moving state of the original is a state in which a moving speed is greater than or equal to a predetermined value, the automatic selecting section selects, as the

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dynamic image display mode used in display of the results of pick-up, one of a high speed display mode which displays the results of pick-up as a dynamic image which follows, at high speed, changes in a state of the region within the pick-up range, and a monochrome display mode which displays the results of pick-up as a monochromatic dynamic image, and when the moving state of the original is a state in which the moving speed is less than the predetermined value, the automatic selecting section selects, as dynamic image display mode used in display of the results of pick-up, one of a highly-detailed display mode which displays the results of pick-up as a dynamic image showing in great detail a state of the region within the pick-up range, and a color display mode which displays the results of pick-up as a color dynamic image as specified in claims 8 and 17. Edgar teaches that "scanners that only sense a single specific color from each specific pixel, such as those employing a color filter matrix, produce only one-third as much raw data as a scanner that senses all three colors from each pixel, and therefore such scanners employ a form of data compression." (col. 3, ln. 20-27). Therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of Kondo et al by scanning only one specific color for the preview and as a direct results, it will display monochromatic dynamic images. Doing so would help to reduce the raw data and to increase the scanning speed.

With regard to claims 8 and 17: It is as a direct results, when a scanner only scans one group of pixels, it is recognized as a high speed and lower resolution or preview images and those images are to be displayed versus a low speed and higher

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resolution when the scanner scans all three groups of pixels or main images and those images are to be displayed as high detailed images.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

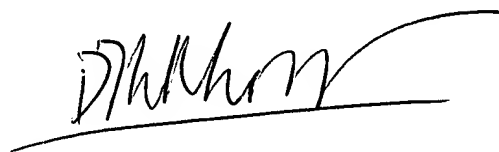
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T. Diep whose telephone number is 571-272-7328. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ND
9/19/2005

A handwritten signature in black ink, appearing to read 'Nhon Diep', written over a horizontal line.

**NHON DIEP
PRIMARY EXAMINER**